IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

Crl.MC.No. 3134 of 2007()

CP.23/1994 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM
CRIME NO.188/92 OF THE VENGARA POLICE STATION

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PETITIONER: ACCUSED

AREEKADAN PADIKKATHODI ABOOBACKER,
S/O.VEERANKUTTY HAJI, ARACKAL HOUSE,
THOTTASSERY ARA, P.O.KANNAMANGALAM,
MALAPPURAM.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3134 of 2007

Dated this the 19th day of October 2007

O R D E R

The petitioner is one of the accused in crime No.188/1992 of Vengara police station. Some of the accused in that crime had appeared before the learned Magistrate after committal and their case was committed to the court of Session. The petitioner did not appear. Later, Government passed Annexure 1 order directing withdrawal of the Sessions Case which arose from the crime in question. The case pending before the Sessions Court was withdrawn. But the petitioner had not entered appearance. His case is even now pending before the Committal Court.

2. The short prayer of the petitioner is that the case against him may be quashed inasmuch as Annexure 1 order directs withdrawal of the case against all the accused in the crime, though only the Sessions case is referred to. It is pointed out that in respect of another accused in the same crime, order dated 29/5/1998 was passed by this court in Crl.M.C.No.408/1998.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I

am satisfied that identical directions can be issued in favour of the petitioner herein also.

4. In the result, this petition is allowed. The case against the petitioner now pending as C.P.No.23/94 before the Judicial First Class Magistrate Court, Malappuram which arose from 188/92 of Vengara police station is hereby quashed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007